

# Employee Relations Best Practices

## Tool Kit



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## *Employee Relations Values*

- 1. We value accountability on the part of all employees, and believe that accountability is best achieved through mutual understanding of responsibilities and the commitment to execute. (Lack of accountability = organizational failure)*
- 2. We value actions and decisions that are based on a full understanding of the facts that are presented. (Factual integrity)*
- 3. We value the perspectives and interests of employee, supervisor and manager on employee relations issues, but we advocate for what is in the best interest of the organization. (Organizational interest, not personal advocacy)*
- 4. We value supporting the agency in accomplishing its mission and objectives through high quality, timely service. (Support, Customer Service)*
- 5. We value honest employee input, even if that input identifies significant deficiencies in the organization, and the presentation of that input without fear of retaliation. (Improvement comes with open discussion)*
- 6. We value the professional, respectful and fair treatment of each employee regardless of circumstances. (Actions and decisions are business-related, not personal)*
- 7. We value compliance with employment laws, but our actions are not driven by fear of the legal environment. (Value may entail some legal risk)*
- 8. We value early intervention by supervisors when employee concerns are identified. (Pro-activity, prevention, confidence that problems will be addressed)*
- 9. We value diversity in the workplace, while also valuing consistency of treatment for similar situations. (Variety in contributions, predictability in treatment)*
- 10. As resources are limited, we value assignment of resources in a manner that maximizes the value added. (Screening process to identify issues without merit as quickly as possible)*
- 11. Unless an offense requires immediate dismissal, we value a reasonable, fair opportunity for performance improvement. (Preserve resources if the employee commits to corrective action)*



# Best Practices in Employee Relations

## Communicate and Document

- **Nip it in the bud!** Intervene early to correct problems when they first occur.
- **Tell it like it is!** Give on-going clear direction and feedback and have open lines of communication.
- **Warn the employee!** Let employee know consequences for poor performance.
- **Write it down! (and date it)** If it is not documented, it's hard to show it happened.
- **Use the annual and interim performance evaluations system!** Do timely plans and evaluations with specific expectations and standards. Be consistent with disciplinary actions. Do regular interim evaluations on employees with continual problems.

## Carefully Consider

- **Remember our mission and goals!** Always assess what the consequences of the behavior are or could be to our clients and families.
- **Operate out of DHS Employee Relations values!** Keep focused on our stated values for employee relations.
- **Every case is different!** Treat employees consistently but not exactly the same. Look at evaluations, prior corrective/disciplinary action, mitigating circumstances, evidence of intent, and length of employment.
- **What did you do before!** Consider agency history and precedents for the treatment of the same problem with employees who have a similar work history.
- **Let the punishment fit the crime!** Always consider the nature of the offense before determining the appropriate level of discipline.

## Take Action

- **Call us early and often!** Consult with OHRMD Regional Manager.
- **Be Thorough!** Be sure to discover all the facts before acting. Get written statements from witnesses.
- **Do it promptly!** Timely disciplinary action is the most effective.
- **Be progressive!** Use progressive discipline when appropriate; move through the process quickly if expectations are not met after adequate opportunity to correct behavior has been given.
- **Be Aware!** Consistently follow up on directives and instructions and monitor behavior of employees.

# Accountability



Obligation to accept responsibility and account for one's actions and the actions of one's subordinates

Willingness to make management decisions and be answerable to others for these decisions

## Accountability For:

- WIG
- Mission
- Work itself
- Own performance
- Performance of staff
- Compliance with employment laws
- Compliance with DHR Policies
- Implementation of DHR values

## Accountability To:

- Clients
- Management
- Employees
- Public
- Self

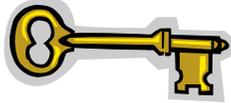
## Holding Employees Accountable

- Communicate expectations
- Intervene early
- Record behavior and action taken
- Act with fairness and consistency
- Warn the employee
- Take action to correct problems
- Respect employee rights
- Exercise appropriate authority



## Keys to Effective Management

- ❖ **Create a shared vision**
  - Focus on the mission and the WIG
  - Tap into employee values & share your commitment
  - Motivate and inspire
  - Emphasize goal achievement
- ❖ **Establish Authority**
  - Be consistent
  - Make your own decisions
  - Learn the facts
  - Demonstrate a can-do approach
  - Confront challenges & show confidence
- ❖ **Earn Respect**
  - Be honest with staff
  - Stand up for your people
  - Express Appreciation & listen to staff concerns
  - Do not tolerate poor performance
- ❖ **Delegate**
  - Set priorities
  - Set clear objectives for delegated tasks
  - Give reasons for tasks and set standards of performance
  - Supply assistance and check progress
  - Evaluate and respond appropriately
- ❖ **Foster Creative Problem Solving**
  - Think outside the box & solicit input from staff
  - Keep an open mind & encourage brain storming
  - Interact with other counties, divisions and agencies
  - Network with other supervisors
- ❖ **Facilitate Productivity & High Morale**
  - Say thank you- a lot
  - Accept responsibility for your own mistakes
  - Recognize staff contributions
  - Do no tolerate poor performance
  - Stay positive and focus on results
  - Work within the system in a resourceful manner



## **KEYS TO EMPLOYEE ENGAGEMENT**

- ❖ **LISTENING**
  - FOCUS ON FEELINGS AND FACTS
  - LEAVE ASSUMPTIONS BEHIND & KEEP AN OPEN MIND
  - DON'T INTERRUPT, **REALLY LISTEN**
- ❖ **RESPONDING**
  - RESPOND, DON'T REACT; DON'T JUMP TO CONCLUSIONS
  - RESPECT OPINIONS & SPEAK THE TRUTH
  - DON'T BLAME MANAGEMENT
  - BE TACTFUL & STAY CALM
- ❖ **MANAGING THE WORKING ENVIRONMENT**
  - CREATE A BUSINESS-LIKE ATMOSPHERE;
  - INSIST ON PROFESSIONALISM
  - DON'T TOLERATE GOSSIP AND NEGATIVITY
  - STRICTLY MAINTAIN CONFIDENTIALITY
  - AVOID MANAGEMENT BY INTIMIDATION
  - MAKE JOB-RELATED DECISIONS
- ❖ **APPRECIATING DIFFERENCES**
  - RECOGNIZE THE DIVERSITY OF YOUR UNIT
  - RESPECT DIFFERENT APPROACHES, PERSONALITIES AND VIEWPOINTS
  - BE SENSITIVE TO SEX, AGE, RACE, RELIGION, NATIONAL ORIGIN
  - RECOGNIZE THAT GOOD TEAM WORK DOES NOT REQUIRE SOCIALIZING
- ❖ **SUPPORT**
  - EXPRESS UNDERSTANDING & ADVOCATE FOR RESOURCES
  - PITCH IN AND HELP WHEN NECESSARY
  - ADDRESS CONCERNS FAIRLY & CONSISTENTLY
  - TREAT YOUR EMPLOYEES AS YOUR CUSTOMERS
- ❖ **FOLLOW-UP**
  - TOUCH BASE FREQUENTLY & GIVE FREQUENT FEEDBACK
  - GET ANSWERS TO QUESTIONS
  - MONITOR PROGRESS & INSURE EXPECTATIONS ARE MET
  - ENFORCE CONSEQUENCES & USE PROGRESSIVE DISCIPLINE
- ❖ **CONSTRUCTIVE CRITICISM**
  - BE CLEAR; EXPLAIN WHY
  - DON'T GET PERSONAL; FOCUS ON ACTUAL BEHAVIOR
  - BE SURE YOU HAVE ALL THE FACTS
  - DON'T GIVE MIXED MESSAGES
  - REMAIN PROFESSIONAL
- ❖ **CELEBRATION**
  - ACKNOWLEDGE INDIVIDUAL AND GROUP ACHIEVEMENTS
  - CATCH EMPLOYEES DOING SOMETHING RIGHT
  - PRAISE IMPROVEMENTS AND USE MEANINGFUL REWARDS



## Performance Management Tips

- **Build the foundation** by following the guidelines for effective management and employee engagement and sound management principles
- Monitor and evaluate all areas of performance : **Attendance, Conduct, Job Performance**
- Components:
  - **Planning and Monitoring:** clear expectations, observation, review of work products
  - **Communication and Motivation:** listen to your people, determine their motivators (not always \$)
  - **Feedback and Coaching:** let employees know where they stand, regular interaction
  - **Training and Development:** be sure the necessary skills to do the job are there
  - **Evaluation and Correction:** compare performance to expectations, discuss discrepancies
  - **Documentation and Fact-finding;** basis for the evaluation, substantiated facts recorded by documentation
- New Statewide Core Competencies
  - **Customer Service:** honors commitments, helpful, courteous, responsive, and knowledgeable service
  - **Teamwork and cooperation:** cooperates with others to accomplish common goals treats others with dignity and respect, maintains friendly demeanors, and values the contributions of others
  - **Results Orientation:** delivers required business results, sets and achieves goals, complies with quality standards and meets deadlines, maintains focus on departmental goals
  - **Accountability:** accepts full responsibility for self and contribution as team member, displays honesty and truthfulness, confronts problems, is committed to the organization, presents oneself as a creditable representative of the department
  - **Judgment and Decision Making:** analyzes problems, develops effective, viable solutions which can increase effectiveness
- **Consistency is critical:** be sure disciplinary actions during the period are reflected, severe actions affect the entire rating
- Rate the whole period, weigh the overall performance against standards
- Always give honest evaluations based on documented facts
- Use interim evaluations as needed: good correction/coaching tool



## Elements of Effective Discipline

### **Early Intervention**

Intervene in all areas: performance, attendance, conduct

### **Communication**

“NEW” formula

Notice, expectations, warning

### **Coaching**

Essence of supervision

Direction, guidance and training

Foster understanding and commit to necessary improvements

### **Fact Finding**

Investigate all complaints

Interview all involved

Get written statements if necessary

Review appropriate documents

Determine witness credibility

Get employee’s side of the story

### **Documentation**

Complete, clear, concise, accurate

Descriptive and behaviorally based

### **Consistency**

All issues addressed

Every case is different

Consider

Severity of the offense

Impact on clients

Prior disciplinary history

Performance evaluations

Length of Service

Mitigating Circumstances

Evidence of intent

### **Progressive Discipline**

Start with the least severe penalty that will have the desired process

Hold employees accountable for meeting expectations

Give sufficient time for improvement

Move forward in the process if expectations are not met



## **PROGRESSIVE DISCIPLINE BASICS**

### **Excerpts from #1601 and #1602**

#### **GENERAL GUIDELINES**

Supervisors have a responsibility to inform employees about job expectations and any relevant information that will assist employees in carrying out job duties. Employees have a responsibility to satisfactorily perform job duties and be familiar with the rules, policies and standards of the workplace.

All rules, policies and standards should be consistently enforced. Consistency in enforcement does not mean that the penalty for violation must be precisely the same in every instance. The penalty may vary because of the severity of the offense, presence or absence of intent, the previous work record of the employee or other relevant factors. Similar situations should be handled in a similar manner.

Supervisors and employees should be aware that it is not necessary or required that every step of progressive discipline be followed in every situation. Over a period of time, it may be appropriate to use several approaches to address an employee's problem(s). Some situations, on the other hand, require immediate dismissal or separation.

When a violation of a rule, policy or standard occurs, supervisors should:

- Research the facts and circumstances before deciding on the appropriate disciplinary action.
- In a minor case, a one-time observation may be a sufficient basis for determining the type of disciplinary action that should be taken.
- In a serious case, an extensive investigation may be necessary to determine the full extent of the offense before deciding on the type of disciplinary action.
- Determine the appropriate disciplinary action by considering several factors including but not limited to: the seriousness of the offense; whether it was deliberate or unintentional; the employee's work record of behavior and performance; and, applicable rules, policies and standards.
- Take appropriate action promptly, observing the correct procedural requirements

#### **GROUNDS FOR DISCIPLINARY ACTIONS**

- Negligence or inefficiency in performing assigned duties;
- Inability or unfitness to perform assigned duties;
- Insubordination;
- Misconduct;

- Conduct reflecting discredit on the department;
- Commission of a felony or other crime involving moral turpitude;
- Chronic tardiness or absenteeism;
- Failure to report for or remain at work without justifiable cause;
- Failure to process performance appraisals in a timely manner; or
- Political activity in violation of the Rules of the State Personnel Board - Rule 3.

## CORRECTIVE ACTIONS

- **Attendance Plan** - In cases where an employee does not meet attendance requirements (e.g., chronic tardiness, absenteeism or abuse of leave), a formal Attendance Plan may be implemented which outlines specific expectations required of the employee, including documentation of absences. If attendance standards are not met, disciplinary action may be taken.
- **Unauthorized Leave Without Pay** - An employee who is absent without approval of the supervisor may be placed on Unauthorized Leave Without Pay for the period of absence, up to a maximum of fifteen (15) calendar days. This unauthorized absence may be used as a basis for disciplinary action.
- **Work Plan** - A Work Plan is a written statement of specific work expectations. The plan is designed to give the employee the opportunity to raise performance to an acceptable level. If performance standards are not met, disciplinary action may be taken.
- **Memo of Concern and Expectations** - A Memo of Concern and Expectations may be issued to an employee to outline concerns with the employee's current behavior and/or performance. The letter should indicate the improvement(s) expected.
- **Denial of Salary Increase** - An employee who receives an overall performance evaluation rating of "Did Not Meet Expectations" in either the *Responsibilities* section or the *Terms & Conditions* section of the PMF will not receive a performance based salary increase.

## SUSPENSIONS WITH PAY

While it is not a disciplinary action, a Suspension with Pay may often precede or accompany a disciplinary action. With the approval of OHRMD, this is used as follows:

- During an investigation of alleged misconduct.
- During the period of notice of separation while on working test, reduction in force, or proposed adverse action.
- During the period between the arrest or indictment of the employee on a criminal charge and the disposition of the charge.
- For alleged unfitness to perform assigned duties where the alleged unfitness creates the potential for harm to the employee, co-workers, or others.

## DISCIPLINARY ACTIONS

**Reprimand** - a written reprimand or a written reprimand/final warning may be issued to an employee due to significant or continuing inappropriate behavior or performance deficiencies. Reprimands should contain: the date, time and/or place of the inappropriate behavior or performance deficiency; a description of the behavior or deficiency; future expectations of the employee; and, the consequences should the inappropriate behavior or performance deficiency continue. Classified employees may request a reprimand review.

**Suspension without pay**- employees may be suspended without pay for disciplinary purposes. The timeframe for a Suspension without Pay for disciplinary purposes should be appropriate for the offense and cannot exceed thirty (30) calendar days. Suspensions without pay are primarily used for classified employees who may appeal these actions to the State Personnel Board. For FLSA exempt employees, Suspensions without Pay must be administered in full FLSA work periods and cannot cover parts of two (2) FLSA work periods. (used primarily in classified service)

**Salary Reduction** - Salaries of FLSA non-exempt employees may be reduced for disciplinary purposes. Salary as a result of Disciplinary Salary Reduction should be reduced by an amount equal to at least five percent (5%), and should normally be in increments of 5%. A Disciplinary Salary Reduction may be permanent, indefinite or for a specified period of time conditional upon the employee's achievement of fully satisfactory performance and appropriate/acceptable behavior. Disciplinary Salary Reductions cannot be taken against FLSA exempt employees due to provisions of the Fair Labor Standards Act. (used primarily in classified service)

**Demotion** - Employees may be involuntarily demoted to a lower job for disciplinary reasons. The salary of an employee who is involuntarily demoted is to be reduced by an amount equal to at least five percent (5%). The salary cannot be less than the job minimum or exceed the pay grade maximum for the job to which the employee is demoted.

**Dismissal/Separation** - Employees may be dismissed (classified) or separated (unclassified) when all other courses of action have been unsuccessful or when the situation is so serious that termination is necessary. Dismissal/Separation is required in certain situations, including but not limited to, drug or alcohol testing violations, criminal history records, criminal drug offenses, etc.

## ADVERSE ACTIONS

Suspension without pay, disciplinary salary reduction, demotion and dismissal are considered adverse actions. These actions are used primarily for classified employees and may be appealed to the State Personnel Board by classified employees. The Rules of the State Personnel Board outline specific procedural requirements for Adverse Actions for classified employees. The OHRMD – Employee Relations Section **must** be consulted in advance to discuss and determine the appropriate Adverse Action.

## Corrective or Disciplinary Action Check List

1. Was the employee aware of the expectations, rules, standards and/or policies which were violated or ignored?
2. Has there been consistent enforcement of the relevant expectation, rule, standard or policy considering the severity of the offense, presence or absence of intent, the previous work record of the employee or other relevant factors?
3. If appropriate, have the steps of progressive discipline been followed?
4. Have the facts and circumstances been researched appropriately?
5. Have I considered all relevant factors including but not limited to: the seriousness of the offense; whether it was deliberate or unintentional; the employee's work record of behavior and performance; and, applicable rules, policies and standards.
6. How long has it been since the violation occurred? If there has been a delay, why?
7. Have I determined whether a corrective action or a disciplinary action is the most appropriate?
8. Have I cleared this with my supervisor and manager?
9. Have I sought assistance from Regional HR or the state OHRMD?
10. Have I reviewed the last annual and interim performance evaluations and copies of any prior counseling notes, corrective actions and disciplinary actions?
11. Are the evaluations consistent with the disciplinary action to be taken?
12. Have I carefully considered which of the following actions are appropriate or if I need to move on to the disciplinary actions listed in the next paragraph?
  - a. **Attendance Plan** - In cases where an employee does not meet attendance requirements (e.g., chronic tardiness, absenteeism or abuse of leave), a formal Attendance Plan may be implemented which outlines specific expectations required of the employee, including documentation of absences. If attendance standards are not met, disciplinary action may be taken.
  - b. **Unauthorized Leave Without Pay** - An employee who is absent without approval of the supervisor may be placed on Unauthorized Leave Without Pay for the period of absence, up to a maximum of fifteen (15) calendar days. This unauthorized absence may be used as a basis for disciplinary action.
  - c. **Work Plan** - A Work Plan is a written statement of specific work expectations. The plan is designed to give the employee the opportunity to raise performance to an acceptable level. If performance standards are not met, disciplinary action may be taken.
  - d. **Memo of Concern and Expectations** - A Memo of Concern and Expectations

- e. may be issued to an employee to outline concerns with the employee's current behavior and/or performance. The letter should indicate the improvement(s) expected.
13. If corrective actions have already been done and the same problem still persists (or if it is a serious infraction) do I understand that I need to move forward to a disciplinary action?
14. Do I obtain assistance from my OHRMD Regional Manager in determining which of the disciplinary actions below are appropriate?
- a. **Reprimand/Reprimand-Final Warning**- a written reprimand or a written reprimand/final warning may be issued to an employee due to significant or continuing inappropriate behavior or performance deficiencies. Reprimands should contain: the date, time and/or place of the inappropriate behavior or performance deficiency; a description of the behavior or deficiency; future expectations of the employee; and, the consequences should the inappropriate behavior or performance deficiency continue. Classified employees may request a reprimand review.
  - b. **Demotion** - Employees may be involuntarily demoted to a lower job for disciplinary reasons. The salary of an employee who is involuntarily demoted is to be reduced by an amount equal to at least five percent (5%). The salary cannot be less than the job minimum or exceed the pay grade maximum for the job to which the employee is demoted.
  - c. **Dismissal/Separation** - Employees may be dismissed (classified) or separated (unclassified) when all other courses of action have been unsuccessful or when the situation is so serious that termination is necessary. Dismissal/Separation is required in certain situations, including but not limited to, drug or alcohol testing violations, criminal history records, criminal drug offenses, etc.
15. Do I understand what an adverse action is and when to use it?
- a. Suspension without pay, disciplinary salary reduction, demotion and dismissal are considered adverse actions. These actions are used primarily for classified employees (although demotions may appropriate for unclassified employees).
  - b. Classified employees may be appeal adverse actions to the State Personnel Board. The Rules of the State Personnel Board outline specific procedural requirements for Adverse Actions for classified employees.
  - c. The OHRMD Deputy Director **must** be consulted in advance to discuss and determine the appropriate Adverse Action.



## LEAVE POLICY CHECKLIST

1. Do I understand that employees have the right to earn annual leave, but that leave may be taken only with supervisory approval and do I communicate this to my employees?
2. Do I accept my responsibility to approve leave on a case by case basis by considering the following factors: the leave balance of the employee, work loads, deadlines, priorities, office coverage, and leave requested by other employees?
3. Do I make reasonable efforts to grant employees' annual leave requests except when the leave would disrupt work schedules, leave an office uncovered, inconvenience the work force or public, or contribute to employees' not meeting performance expectations?
4. Do I review emergency annual leave requests on a case-by-case basis and charge the absence to **unauthorized leave without pay** when appropriate?
5. Do I make it clear to employees that instances of unauthorized leave without pay may result in disciplinary action?
6. Do I encourage my employees to maintain reasonable leave balances to protect themselves against income loss due to accident or illness, without establishing rigid minimum balances?
7. Do I counsel employees who are frequently tardy or absent and place them on attendance plans if determined appropriate?
8. Do I closely monitor employees who are on attendance plans and strictly enforce the requirements of the attendance plan?
9. Do I approve sick leave for absences due to the following:
  - a. personal illness or disability;
  - b. exposure to contagious disease, when attendance on duty would endanger the health of others;
  - c. dental or medical care; and
  - d. dental or medical care, illness, accident or death in the immediate family which **requires the employee's presence**. "Immediate family" includes

the employee's spouse, child, parent, brother and sister. "Immediate family" also includes any other person who resides in the employee's house AND is recognized by law as a dependent of the employee.

10. Do I approve sick leave without requiring documentation when employees use fewer than 17 hours of sick leave in a 30 calendar day period, **unless** they have demonstrated a pattern of excessive or abusive use of sick leave?
11. Do I determine if use of sick leave is excessive or abusive by following the following guidelines:
  - a. Pattern of intermittent, short-term use of sick leave.
  - b. Frequent use of sick leave in conjunction with holidays, scheduled off days or distribution of pay checks;
  - c. Frequent use of sick leave when scheduled for undesirable temporary shifts or assignments, or during periods of peak work load;
  - d. Requesting sick leave for an absence for which annual leave has previously been denied;
  - e. Frequent occurrences of illness during the work day;
  - f. Peculiar and increasingly improbable excuses;
  - g. Repetitive use of fewer than 17 hours of sick leave in 30 calendar day periods
  - h. Use of 10 hours per month of unscheduled leave may be considered excessive, depending on the circumstances.
12. Do I carefully consider the following factors before denying sick leave?
  - a. Excessive or abusive use of sick leave;
  - b. Failure to follow procedures for reporting the absence or requesting the use of leave; or
  - c. Falsification of documents. Falsification of documents may result in disciplinary action up to and including dismissal.
13. When I deny sick leave, am I prepared to support my decision and explain my reasoning?



## EXCERPTS FROM POLICY # 1201- STANDARDS OF CONDUCT

1. Employees must conduct themselves in a manner that prevents all forms of impropriety, placement of self-interest above public interest, partiality, prejudice, threats, favoritism and undue influence.
2. Employees must be alert in conducting business with employees and non-employees to avoid even the appearance of misconduct, personal or financial gain, or conflict of interest.
3. Off duty conduct becomes a legitimate concern when it affects departmental operations or reflects discredit on the department.
4. Employees shall afford all constituents fair and equal opportunity to express their concerns and ideas regarding state programs without regard to their political affiliations, sophistication, or influence. Recommendations made by employees in the performance of their duties shall be made without bias.
5. Employees shall continually monitor, evaluate and manage their personal, financial, and professional affairs to ensure the absence of conflicts of interest or appearance of conflicts of interest.
6. A conflict of interest may exist where employees engage in activities which may financially or otherwise enhance themselves, their relatives, or individuals with whom they are personally or financially involved as a result of knowledge, information, or action taken in an official capacity as departmental employees. Its elements are the opportunity for enhancement by a transaction, and opportunity to influence that transaction as an employee.
7. Employees are to make every effort to avoid even the appearance of a conflict of interest.
8. The release of any privileged or confidential information, financial or otherwise, is not authorized to any person who does not have a legitimate need to know.
9. Employees are required to notify their supervisor or human resource/personnel representative of any arrests and/or convictions within five calendar days of the date of the arrest or conviction. A determination of appropriate action will be made on a case by case basis.
10. Employees are prohibited from involvement in official activities in which a client, patient or customer is a relative or in-law (or) is a personal acquaintance when the relationship creates a conflict or perception of conflict of interest.
11. Employees must conduct themselves in a positive and courteous manner at all times towards clients, patients and customers. Mistreatment of clients, patients or customers in any form is a matter of concern at all supervisory levels and will not be tolerated. (Employees are prohibited from)...engaging in rude, argumentative, hostile or otherwise unprofessional behavior toward clients, patients, or customers.

12. Employees must comply with all instructions from supervisors and managers
13. DHR employees are required to cooperate fully and truthfully and provide assistance with any type of investigation regarding alleged criminal or administrative misconduct or other personnel issues.
14. Employees are not to engage in activities other than official business during working hours.
15. Employees are not authorized to tape record conversations at work unless work-related and specifically approved by the supervisor of the organizational unit....Supervisors should consult with OHRMD prior to taping or authorizing the taping of conversations.
16. Employees are prohibited from falsifying records (e.g. time cards, sign-in/sign-out sheets, case management and/or client, patient or customer records) or any other documents prepared during the course of business.
17. Possession or consumption of alcohol or illegal drugs; and/or reporting to work or being on duty with the presence of drugs or alcohol is prohibited.
18. In order to minimize interference with normal operations and to avoid potential hazards and liability for the Department, visitors (e.g. children, other relatives, friends, or acquaintances of employees) in the workplace during working hours are discouraged. Babysitting of children by employees while on duty is prohibited.
19. Offices, work stations, and office furniture are State property and are reserved for work-related activities. (Personal items) ...must not be offensive or inflammatory or otherwise inconsistent with the Department's work setting.
20. Voice mail and fax transmittals should convey professional, business-like messages.
21. Use of the Internet for non-work-related reasons is permitted on a basis similar to that applied to local telephone calls ...i.e. the use is infrequent, of short duration, and does not interfere with work.
22. No employee has a privacy interest in any information contained in a state computer.
23. Employees are expected to be clean and neat in appearance at all times ... (and) should present a business-like professional image. ...If lettered or illustrated attire is worn, it should not promote a particular political, moral, religious, personal or other opinion. Attire which is obscene, vulgar, offensive, or inflammatory is prohibited.



## **What is Misconduct?**

### **Violations of Certain Key Policies:**

- #1201 Standards of Conduct**
- #1205 Workplace Violence**
- #1203 Other Employment**
- #1205 Use of State Property**
- #1301 Drug-free Work Place**
- # 102 Sexual Harassment**

### **Failure to comply with Core Competencies**

- Customer Service**
- Teamwork and Cooperation**
- Results Orientation**
- Accountability**
- Judgment and Decision Making**

### **Includes:**

- Inappropriate, unprofessional, argumentative, or disruptive behavior**
- Lying and falsification**
- Client Abuse and neglect**
- Loud, rude, profane or offensive language**
- Conflict of Interest**
- Violence or threats of violence**
- Release of confidential information**
- Fighting or loud altercations**
- Not getting along with co-workers**
- Resistance to supervision**
- Sexually explicit remarks or E-mails**
- Racial slurs**
- Offensive religious, national origin, age, sex, or disability related remarks**
- Offensive or inflammatory clothing**
- Prohibited political activity**
- Bringing children to work**
- Failing to notify supervisor of arrest within 5 days**
- Engaging in non work related activities during business hours**
- Abuse of telephone and Internet/E-mail privileges**
- Use of alcohol or drugs at work or coming to work under the influence**



## **The Language of Progressive Discipline**

### **Memo of Concern & Expectations:**

The purpose of this memorandum is to advise you of several concerns regarding your recent work performance and behavior and to set forth expectations regarding necessary improvement. My intention is to give you a fair opportunity to correct the problems that have been observed, so that disciplinary action will not be necessary.

(List Concerns)

Having stated these concern(s), I will now turn to my expectations for addressing and resolving them/it:

(List Expectations)

I am optimistic that you will use this memorandum to improve, and further action will not be necessary. I must inform you, however, that should there be a recurrence of the identified concerns and/or the stated expectations not be met; you will be subject to disciplinary action, up to and including dismissal/separation.

Note: Memos of Concern are placed in the productivity file only not in the official personnel file

### **Written Reprimand:**

This letter constitutes a written reprimand for (charges/grounds\*) and will be placed in your personnel file.

In determining the appropriate disciplinary action to be taken, your work history with the department was considered and reviewed. Specifically, your work history includes the following:

(List previous corrective and disciplinary actions)

This reprimand is based on the following:

(List Charges)

In the future I expect that:

(List Expectations)

I hope this reprimand will be instrumental in improving your performance to the expected level. Any further (charges) or violation of DHR, Office/Division, or unit policies, procedures, rules and standards will result in further disciplinary action, up to and including separation from your position in the unclassified service ( or dismissal from your position in the classified service).

**Written Reprimand/Final Warning:**

This letter constitutes a written reprimand and **Final Warning** regarding your (charges/grounds) in the performance of assigned duties and will become a part of your official personnel file.

In determining the appropriate disciplinary action to be taken, your work history with the department was considered and reviewed. Specifically, your work history includes the following:

(List previous disciplinary and corrective actions, if any)

This reprimand is based on the following:

(List charges and expectations)

I hope this reprimand will be instrumental in raising your performance to the expected level. You are hereby given a **Final Warning** and are advised that if you fail to comply with the expectations set forth above, or if you violate any Office/Division, or DHR policies, procedures, standards, rules, or regulations, you will be subject to further disciplinary action up to and including, separation from your position in the unclassified service. (Or dismissal from your position in the classified service).

You must understand the seriousness of this **Final Warning** and the consequences of your failure to adhere to the expectations for your behavior. If you do not clearly understand these expectations, or if you have any questions regarding the consequences of your failure to fully comply with these expectations, please discuss your concerns with me immediately.

If any of the above items need clarification, please discuss them with me without delay.

# Sample Memos of Concern and Expectations

## I.

by Hand Delivery

### MEMORANDUM

**TO:**

**FROM:**

**SUBJECT:** Memorandum of Concern and Expectations

The purpose of this memorandum is to advise you of several concerns regarding your recent work performance and behavior and to set forth expectations regarding necessary improvement. My intention is to give you a fair opportunity to correct the problems that have been observed, so that disciplinary action will not be necessary.

My concerns are based on your failure to respond to supervision and accept feedback from your supervisors, failure to follow instructions and comply with established office priorities, and failure to express your opinions in a professional manner. You are frequently argumentative, sarcastic, and negative, show strong resistance to supervision and deliberately misinterpret requests and instructions from management. You routinely get into long E-mail exchanges with me in which you express your anger and disagreement using frequent capitalizations, bold face type and other methods of emphasis and making unnecessary and inappropriate remarks. Some examples of these concerns include:

On \_\_\_\_\_, you sent an E-mail to your supervisor in which you misinterpreted my instructions about catching up on your filing and used sarcastic and snide language.

On \_\_\_\_\_ when you were serving as AOD, you refused to see a customer, until I intervened. By that time the customer had left. You were argumentative with me during our discussion of why you had refused to see the customer.

On \_\_\_\_\_, you engaged in a series of E-mails with me about your time worked which was non-productive, uncooperative and argumentative and included sarcastic and disrespectful comments.

On \_\_\_\_\_, you sent me an inappropriate E-mail suggesting how I ought to do my job, challenging my instructions, and questioning office priorities.

This type of behavior is not acceptable and will not be tolerated. It is in clear violation of DHS Human Resource/Personnel Policy # 1201, *Standards of Conduct*. It indicates a lack of commitment to the organization and to the principles of teamwork which are expectations of your performance management plan.

Having stated the concerns, my expectations for addressing and resolving them are as follows. In the future I expect that you will:

Refrain from argumentative, disrespectful and sarcastic behavior and keep your focus positive and constructive at all times.

Work cooperatively with me and other management staff to improve your behavior and refrain from all actions that demonstrate resistance to supervision or circumvent policies, procedures and directives.

Demonstrate that you accept the authority of management to direct your actions and give careful consideration to suggestions from management, refraining from rejecting them out of hand.

Follow all supervisory directives in a timely and appropriate manner and respond to all requests and communications from management and other appropriate individuals as quickly as possible and in a cooperative and responsive manner.

Accept responsibility for your own mistakes and act upon direction and feedback from your supervisor in a professional and appropriate manner.

Demonstrate a strong organizational commitment to the \_\_\_\_\_ and support the decisions of management even when you disagree with them.

Privately and professionally give input into management decisions when appropriate for you to do so and refrain from argumentative behavior or continuing disagreement once a decision is reached.

Fully comply with all the expectations of your performance management plan and follow all policies, procedures, practices, rules and standards of DHS and \_\_\_\_\_

It is important for you to understand that there is more to doing one's job than the independent performance of one's duties in a successful manner. We all work under supervision and are expected to accept and respond to supervision in a cooperative manner. Following rules and policies, showing commitment to the organization and participating as a member of w work team are equally important.

I am optimistic that you will use this memorandum to improve, and further action will not be necessary. I must inform you, however, that should there be a recurrence of the identified concerns and/or the stated expectations are not met; you will be subject to disciplinary action, up to and including separation from your position in the unclassified service.

cc: APPROPRIATE OFFICIALS  
Productivity File

## II.

### Memorandum

*Hand Delivered*

To: \_\_\_\_\_

From: \_\_\_\_\_

Subject: MEMORANDUM OF CONCERN AND EXPECTATIONS

The purpose of this memorandum is to advise you of several concerns regarding your recent conduct and work performance and to set forth expectations regarding necessary improvement. My intention is to give you an opportunity to correct problems that have been observed, so that disciplinary action will not be necessary.

The source of my concern is your failure to meet deadlines for your placement caseload. You have been behind in documentation, completing case plans, completing Rev/Max reviews, making wrap around referrals, and updating the new GA SHINES system with correct data. Your supervisor has provided counseling to you about your performance deficiencies on 1/28/08, 02/7/08, 2/25/08 and 3/31/08 but there has been little improvement in your work performance

Another concern is the argumentative nature of many of the interactions with your supervisor, including a display of hostility, agitation and resistance to supervision. This type of behavior is totally inappropriate.

Having stated these concerns, I will now turn to my expectations for addressing and resolving them. In the future I expect that you will:

Catch up the back log in your caseload by \_\_\_\_\_.

Insure that you meet the appropriate deadlines for your caseload and that your entries into case records are accurate and complete.

Update the new GA SHINES system with correct data on a regular basis.

Keep your supervisor completely informed of all significant issues on your caseload, let her know when you are getting behind, and seek assistance as necessary.

Refrain from rude, argumentative, hostile, or otherwise unprofessional behavior with all work-related contacts.

Accept direction and feedback from your supervisor and refrain from any actions which constitute resistance to supervision.

Comply with all the provisions of DHR Human Resource/Personnel Policy 1201, *Standards of Conduct and Ethics in Government*.

You will meet all the expectations of your performance management plan with particular attention to the Statewide Expectations of Team-Work and Organizational Commitment and follow all DHS, DFCS and County policies, procedures, rules and standards.

These specific expectations are provided to you in order to enable you to improve your work behavior and achieve compliance with all standards of the \_\_\_\_\_ Unit and the County Department of Family and Children's Services. I am optimistic that you will use this memorandum to improve, and further action will not be necessary. I must inform you, however, that should the identified concerns continue and/or the stated expectations not be met, you will be subject to disciplinary action, up to and including separation from your position in the unclassified service.

**III.**

**Memorandum**

*Hand Delivered*

**To:** \_\_\_\_\_  
Social Services Case Manager Associate

**From:** \_\_\_\_\_  
Social Services Supervisor

**Subject: MEMORANDUM OF CONCERN AND EXPECTATIONS**

The purpose of this memorandum is to advise you of several concerns regarding your recent work performance and to set forth expectations regarding necessary improvement. My intention is to give you an opportunity to correct problems that have been observed, so that disciplinary action will not be necessary.

The source of my concern is your failure to comply with case documentation standards and take advantage of the opportunities given to assist you in catching up your work. Having stated these concerns, I will now turn to my expectations for addressing and resolving them.

In the future I expect that you will:

Bring all your documentation up to date by \_\_\_\_\_ and demonstrate that you understand how important it is for documentation to be current and complete.

Insure that you meet the appropriate deadlines for your caseload and that your entries into case records are accurate and complete.

Keep your supervisor completely informed of all significant issues on your caseload, let her know when you are getting behind, and seek assistance as necessary.

Accept direction and feedback from your supervisor and refrain from any actions which constitute resistance to supervision.

Take advantage of all the opportunities you are given (such as protected time and working at home) to insure that your documentation is current.

Manage your time and attendance and organize your caseload in such a manner as to insure the effective and efficient performance of your assigned duties.

Comply with all the expectations of your performance management plan and comply with all DHS, Division and County policies, procedures, rules and standards.

These specific expectations are provided to you in order to enable you to improve your work performance and achieve compliance with all standards of the \_\_\_\_\_ Unit and \_\_\_\_\_ County DFCS. I am optimistic that you will use this memorandum to improve, and further action will not be necessary. I must inform you, however, that should the identified concerns continue and/or the stated expectations not be met, you will be subject to disciplinary action, up to and including separation from your position in the unclassified service.

## SAMPLE ATTENDANCE PLAN

Hand delivered

Memorandum

(Date)

TO: \_\_\_\_\_

From: \_\_\_\_\_

Subject: Attendance Plan

Based on a careful review of your attendance record, I have concluded that you have established a pattern of excessive/abusive use of leave. I have also determined that your excessive use of leave has had, and continues to have, a serious detrimental effect on the operation of the department. As a result, the following expectations and standards are effective immediately, until further notice.

1. Sick leave will be approved only if the following conditions are fully satisfied:
  - a. You must comply with the following procedure for reporting your absence.

In the event that you are absent from work due to an illness, you must speak to me personally or to \_\_\_\_\_ to report your illness by \_\_\_\_\_ on the day of your illness. Messages left with other staff members are not acceptable. Upon your return to work, you must provide a note from your doctor.
  - b. You must supply a statement from your physician verifying that you were seen by a doctor or other appropriate health care provider, and that, for the specific period of absence, **you were unable to perform your assigned duties**, or that your presence was required due to the illness, accident, death, or medical care of a member of your immediate family, as defined in DHR HR/Personnel Policy #1006.

This statement should be the original, not a copy.
  - c. The statement described in paragraph b., above, must be submitted to \_\_\_\_\_ on the first day that you work following the absence in question.
2. If you have exhausted sick leave, annual leave **will no longer** be approved on a routine basis for absences relating to illness. You must comply with the terms outlined in Section 1, Subsections a, b and c, above.

3. Annual leave may be requested in advance, but approval will be at the discretion of the supervisor and will be contingent on the needs of the unit, unit coverage, the pattern of prior absenteeism, the status of your work and your consistent compliance with all unit rules, practices, policies and standards.
4. Unscheduled annual leave will be approved only for emergency circumstances. Whether a particular situation constitutes an emergency will be determined by me on a case-by-case- basis
5. All unapproved absences will result in unauthorized leave without pay. Instances of unauthorized leave without pay are grounds for disciplinary action.
6. If you have exhausted sick and annual leave, additional absence will be regarded as unauthorized leave without pay, unless your absence has been approved as family and medical leave under FMLA.

You are hereby warned that failure to follow the terms of this attendance plan will result in your being placed on unauthorized leave without pay and subject to appropriate disciplinary action, up to and including separation from employment.

Please see me immediately should you have questions regarding this attendance plan.

cc: Productivity File

## AMERICANS WITH DISABILITIES ACT (ADA) CHECKLIST

Refer to DHS Policy # 1704 available at  
[http://odis.dhr.state.ga.us/1000\\_adm/1300\\_ohrmd/MAN1300.doc](http://odis.dhr.state.ga.us/1000_adm/1300_ohrmd/MAN1300.doc)

1. Do I understand that it is the Department's position to accommodate all disabled employees who can perform the essential functions of their positions with restrictions that may be reasonably accommodated?
2. Have I told the employee requesting accommodation to submit a written request specifying the specific accommodation requested and its estimated duration?
3. Have I requested and received documentation from the employee from the attending health care provider which identifies the current disability being treated, any work-related limitations or restrictions, and their estimated or actual duration?
4. Have I met with the employee as soon as possible to initially discuss the reasonable accommodation request, without approving or denying the request?
5. Have I obtained permission for authorized DHS officials to communicate directly with the attending health care provider concerning the requested accommodation, if necessary, and had the employee voluntarily sign the *AUTHORIZATION FOR RELEASE OF INFORMATION* Form?
6. Did I confirm my discussion with the employee in writing **within five (5) work days**?
7. Did I handle any written materials resulting from discussions that identify employees' disabilities or medical conditions as directed in the *DHS PROCEDURE FOR HANDLING MEDICAL INFORMATION IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT*?
8. Have I consulted with appropriate HR and management staff and reviewed the request based on a careful assessment of the following: organizational needs, available resources, the impact of disabilities on essential functions of employee's position, and relevant medical information concerning disabilities to be accommodated?
9. If disabilities or medical conditions are apparent, have I allowed the employee to be placed in modified work environments, given modified duties, or be temporarily reassigned during the review period, if such accommodations are possible without undue hardship?
10. Did I make the determination, along with authorized officials within **fifteen (15) work days** of receiving requests for reasonable accommodation?
11. Did I provide written approval or denial of the reasonable accommodation request, including detailed documentation of accommodations considered and reasons for denial, if the request cannot be approved on the basis of undue hardship?

12. Have I received written approval from appropriate authorized officials before implementing reasonable accommodations resulting in a change in employment status, a change in the terms and conditions of employment, or a change in the essential functions of a position?
13. If I have determined that the employee cannot be reasonably accommodated without incurring an undue hardship on the organization and must be separated, have I considered the following factors?
- a. no reasonable accommodation can be made in the current position **and**,
  - b. there is no other position in the same job (vacant or soon to be vacant) for which the employee qualifies, and into which the employee can be reassigned or is willing to accept reassignment; **and**,
  - c. there is no position in a different job on the same pay grade (vacant or soon to be vacant) for which the employee qualifies, and into which the employee can be reassigned or is willing to accept reassignment; **and**,
  - d. there is no position in a lower job (vacant or soon to be vacant) for which the employee qualifies, and into which the employee can be demoted or is willing to accept demotion; **and**,
  - e. additional leave options have been considered and are either determined not to be available, or cannot be approved without undue hardship **and**,
  - f. I have contacted the OHRMD Employee Relations Section and received approval to separate the employee
14. Do I understand that the ADA policy does not restrict the authority of management to discipline or separate employees based on failure to meet standards of performance or conduct, or failure to follow procedures for reporting and approval of absences?
15. Do I understand the following ADA definitions?

Individual with a disability: has a physical or mental impairment that substantially limits one or more major life activities **or** has a record of such impairment **or** is regarded as having such impairment

Qualified employee: an individual who, with or without reasonable accommodation can perform the essential functions of the position

Reasonable Accommodation: includes making existing facilities accessible and usable, job restructuring, modifying work schedules, reassignment to a vacant position, acquiring or modifying equipment or devices

Undue Hardship: action requiring significant difficulty or expense or when considered in light of factors such as the employer's size, financial resources, and the nature and structure of its operation. An employer is not required to lower quality or production standards to make an accommodation; nor is the employer obligated to provide personal use items such as glasses or hearing aids.

Essential Functions of the Position: the fundamental duties performed in a position, those duties which are the reason for the existence of the position, duties which, if not performed would not accomplish the purpose of the position

## FLSA SUPERVISORY CHECK LIST

### Refer to DHS Policy # 1001

1. Do I carefully monitor the arrival and departure times of non-exempt employees to ensure accurate records are maintained and to minimize overtime worked?
2. Do I insure that non-exempt employees are not allowed to occupy their work stations before their scheduled work day begins, during meal periods and after their work day ends?
3. Do I insure that non-exempt employees accurately sign in a
4. Do I insure that non-exempt employees who fail to correctly record actual work time are subjected to appropriate corrective or disciplinary action?
5. Do I insure that **exempt** employees do not keep time sheets, although, there may be a sign-in and sign-out sheet used for the purpose of maintaining awareness of the employees' whereabouts.
6. Do I review time worked by non-exempt employees prior to the end of the work period (when possible) to determine if overtime may occur and adjust non-exempt employees' work schedules to prevent overtime work?
7. Do I allow non-exempt employees who are **rarely tardy** to **adjust the work schedule within the work period** to make up the time if they are late?
8. Do I place the non-exempt employee who is **frequently tardy** on **unauthorized leave without pay**, an attendance plan, and/or take disciplinary or corrective action rather than allowing the time to be made up?
9. Do I insist that employees receive prior approval to work overtime except in unique or emergency situations, when prior approval may not be possible?
10. Do I insure that all overtime worked without prior approval is included on time sheets and that all overtime work, whether authorized or not is accurately recorded?
11. Do I insure that corrective action is taken against employees who work unauthorized overtime, while, at the same time insuring that they receive compensation for all time worked?
12. Do I carefully monitor all overtime granted for emergencies, unanticipated assignments or for special projects which cannot be completed during normal work hours?
13. Do I refrain from granting overtime for work which should normally be completed during the work day?

# FMLA CHECKLIST

## Review DHS Human Resource/Personnel Policy 1005

1. Do I understand that I cannot refuse to approve FMLA leave as long as the employee is eligible and supplies the appropriate documentation?
2. FMLA is a federal law and an employee **entitlement**. Eligible employees have a right to FMLA as long as they meet the requirements of the law.
3. **Supervisors** or authorized officials who do not comply with the requirements of the policy are **subject to disciplinary action**.
4. It is **unlawful** to discharge or discriminate against employees for opposing any practice made unlawful by the FMLA or for involvement in any proceeding related to FMLA
5. FMLA **does not insulate an employee from disciplinary action** based on conduct or performance deficiencies. **Always call OHRMD** for guidance if you want to take action against an employee who has, is, or is planning to exercise his/her FMLA entitlement.
6. FMLA is up to 12 weeks of unpaid **job-protected** leave for eligible employees each calendar year for their own **serious health condition** or to care for specified family members for their serious health condition.
7. Eligibility: 1250 **actual** hours of work in past 12 months, 12 months of state service (not consecutive) and a qualifying reason
8. **Serious health condition** is illness, injury, impairment, or physical or mental condition **which** the employee's **health care provider determines is a serious health condition** based on the Certificate of Serious Health Condition Form definition on page 3.
9. Just because an employee has been out for **three (3) days**, has been to the doctor, and been prescribed medication does not mean it is a serious health condition.
10. **Recertification** of a serious health condition may be required every 30 days.
11. Annual, sick, or personal leave may be used in conjunction with FMLA.  
However, in the case of pregnancy or care of an adopted or foster child, sick leave is appropriate only if the **child is sick** or the **mother is ill** from complications of or recovery from pregnancy.
12. Supervisors must respond to FMLA requests in writing within **15 calendar days**. Employees must provide certification within 15 calendar days of the date FMLA is requested.
13. Be sure to use both the **designation** and **conditional** provisions in the family leave policy
14. Call OHRMD about **intermittent** leave. It can be tricky and is easily abused.

## UNCLASSIFIED/CLASSIFIED SERVICE AND EMPLOYEE DISCIPLINE

### QUESTIONS AND ANSWERS

- Q: What is the difference between classified and unclassified service relative to employee discipline?
- A: *Unclassified employees are employees at will and either the employee or employer can sever the employment relationship without provision of reasons or right of appeal. Classified employees may be dismissed, demoted, suspended without pay, or subject to disciplinary salary reduction only in accordance with State Personnel Board Rules providing for specific reasons and the right of appeal.*
- Q: Are unclassified employees totally without legal recourse to challenge discipline or separation decisions?
- A: *No. If a decision is based on an unlawful reason, the action may be successfully challenged. Examples include unlawful discrimination or retaliation for exercising legal rights.*
- Q: Should employees be separated in the absence of legitimate reasons?
- A: *No. Regardless whether the employee has legal recourse to challenge a decision, good business practice and basic principles of fairness require that there be a legitimate, job related reason for separation.*
- Q: Should the deciding factor in whether to take disciplinary action and the level of action to take be the employee's status (classified or unclassified) ?
- A: *No. The deciding factor should be the employee's performance or conduct and particular attention should be given to the consequences or potential consequences of the performance or behavior. When the decision as to what action to take has been made, attention should then be given to the employee status in determining the process to carry out the action.*
- Q: Should performance management plans be different for classified and unclassified employees performing the same jobs?
- A: *No. The substantive requirements for job performance should be the same regardless of classified/unclassified status.*
- Q: Can oral coaching and counseling, memos of concern and expectations, work plans, and written reprimands be used as corrective action methods for unclassified employees experiencing discipline problems?

A: Yes, unless an offense is committed which warrants immediate separation (records falsification, theft, making of threats, etc.), the unclassified employee should be given a reasonable opportunity to correct the problem prior to separation. The referenced methods may be used for this purpose, at the manager's discretion.

Q: What procedure must be followed prior to reprimanding, demoting or separating an unclassified employee?

A: The manager wishing to take the action should contact his/her OHRMD Regional Manager, or the OHRMD Director/Deputy Director. No reasons for the separation action are to be communicated to the employee, either orally or in the letter of separation. If the action is a reprimand or demotion, a brief statement of reasons for the action is to be provided, sufficient to enable the employee to understand the need for corrective action.

Q: Are communication and evaluation any less important in dealing with unclassified employees?

*No, they are equally important for employees of either status. Clear communication of requirements and careful, accurate, evaluation of performance are critical for both classified and unclassified employees. Employees who do not perform adequately, or who do not meet requirements of work conduct and work habits, should not receive satisfactory ratings. Doing so not only rewards ineffective or disruptive performance, it has a demoralizing effect on good employees who satisfy all standards and requirements and also receive satisfactory ratings.*

**In summary, the movement toward unclassified service offers the potential for raising the bar for quality, efficiency, and effectiveness of state employees. It also demands that managers exercise their increased decision making flexibility in a responsible manner, ensuring that decisions are fair, that employees have a reasonable opportunity to correct problems, and that abuses do not occur.**

**[NOTE: THIS DOCUMENT IS INTENDED AS A TRAINING AID FOR MANAGERS. IT IS NOT INTENDED TO, AND DOES NOT, CONFER ANY EMPLOYMENT RIGHTS.]**

## E.R. ACTION REQUEST FORM CHECKLIST

1. Is the actual date of submission on the form?
2. Have I indicated the supervisor's name, the manager's name and the contact person?
3. Have I included the Employee name, I.D. number, original hire date, date of hire in unit?
4. Have I indicated whether the employee is classified or unclassified? if appropriate?
5. Have I attached copies of all prior corrective actions (memos of concern, work plans, counseling notes, attendance plans, unauthorized leave without pay, etc) as well as copies of previous disciplinary action?
6. Have I considered all relevant issues including conduct, attendance, and performance?
7. Have I given a specific description of the current situation, including dates, actual words and behavior and context in which the action occurred?
8. If I have included multiple support documents such as leave records and programmatic documents, have I summarized what is indicated by these documents?
9. Have I explained how serious the infraction is in language a lay person can understand?
10. If it is a leave abuse issue have I recorded the relevant data in a calendar format for easy interpretation?
11. If there was an investigation, am I sending a copy of the report and witness statements?
12. If there are any expectations that I wish to be included in the memo or the letter, have I included them?
13. Have I kept my documentation accurate, but succinct as possible?
14. Have I included mitigating circumstances and agency precedents where appropriate?

## **Supervisor Self Assessment**

1. Do I create and maintain a high performance environment?
2. Is my leadership positive; does it have a strong team orientation?
3. Do I encourage and facilitate cooperation, pride, trust and group identity?
4. Do I foster commitment and team spirit in order to achieve goals?
5. Do I display a high level of effort and commitment to performing work and demonstrate trustworthiness and responsible behavior?
6. Do I operate effectively within the organizational structure?
7. Have I gained acceptance of ideas by creating a shared vision?
8. Do I hold myself and my employees accountable for accomplishing the mission of the department?
9. Do I treat employees with respect, courtesy and tact, respect their rights and exercise appropriate authority?
10. Do I act with fairness and consistency?
11. Do I communicate with staff in a positive and effective manner, regularly address progress toward defined goals and give them clear and accurate information?
12. Do I let my staff know when their performance or behavior is not acceptable?
13. Do I praise staff, recognize contributions and celebrate accomplishments?
14. Do I actively seek to motivate staff to improve quality and quantity of work?
15. Do I delegate tasks to staff appropriately?
16. Do I display appreciation of differences in approaches and personalities?
17. Do I solicit input from employees and provide constructive feedback?
18. Do I work to resolve conflicts and identify solutions which will benefit all parties?
19. Do I work to keep employees productive and focused on results?
20. Am I familiar with key employment laws and policies on FLSA, FMLA, Leave, ADA, EEO, Sexual Harassment, Standards of Conduct, Discipline, Selection and Recruitment and Performance Management?
21. Do I use progressive discipline and follow ER Best Practices?

# Resources

**OHRMD Regional Manager**

**Policy Website**

**[http://odis.dhr.state.ga.us/1000\\_adm/1300\\_ohrmd/MAN1300.doc](http://odis.dhr.state.ga.us/1000_adm/1300_ohrmd/MAN1300.doc)**

**LMS on-line training: It's About Time (Leave and Attendance)  
Best Practices in Employee Relations**

**Skills for Successful Supervision Course  
(for new supervisors, as space is available, other supervisors may enroll)**